

Before the  
UNITED STATES COPYRIGHT ROYALTY JUDGES  
The Library of Congress  
Washington, D.C.

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR MAKING AND DISTRIBUTING  
PHONORECORDS (Phonorecords III)**

**Docket No. 16-CRB-0003-PR  
(2018-2022) (Remand)**

---

**DECLARATION AND CERTIFICATION OF AARON J. CURTIS  
REGARDING RESTRICTED PROTECTED MATERIAL**

**(On behalf of Pandora Media, LLC)**

1. I am counsel for Pandora Media, LLC in the above-captioned case. I respectfully submit this declaration and certification pursuant to the terms of the Protective Order issued July 27, 2016 (the “Protective Order”). I am authorized by Pandora to submit this declaration on Pandora’s behalf.

2. I have reviewed the Written Supplemental Remand Testimony of Michael L. Katz Services’ (the “Supplemental Katz Testimony”). Portions of the Supplemental Katz Testimony contain information that the Participants have designated as “Restricted” under the Protective Order (the “Protected Material”). The Protected Material is shaded in grey highlight in the restricted e-filing of the Supplemental Katz Testimony, and is fully redacted in the public e-filing of the Supplemental Katz Testimony.

3. The Protected Material includes testimony and economic analysis involving (a) contracts and contractual terms (including the negotiation thereof) that are not available to the public, highly competitively sensitive and, at times, subject to express confidentiality provisions with third parties; and (b) highly confidential internal business information that is proprietary, not available to the public, and commercially sensitive.

4. If this contractual, commercial, or business information were to become public, it would place the Services at a commercial and competitive disadvantage, unfairly advantage other parties to the detriment of the Services, and jeopardize their business interests. Information related to confidential contracts or relationships with third-party content providers could be used by the Services' competitors, or by other content providers, to formulate rival bids, bid up Service payments, or otherwise unfairly jeopardize the Services' commercial and competitive interests.

5. The contractual, commercial, and business information described in the paragraphs above must be treated as Restricted Protected Material in order to prevent business and competitive harm that would result from the disclosure of such information while, at the same time, enabling the Services to provide the Copyright Royalty Judges with the most complete record possible on which to base their determination in this proceeding.

Pursuant to 28 U.S.C. § 1746, I hereby declare under the penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

Dated: January 24, 2022  
New York, N.Y.

/s/ Aaron J. Curtis  
Aaron J. Curtis (N.Y. Bar No. 5332903)  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, N.Y. 10153  
Tel.: (212) 310-8000  
Fax: (212) 310-8007  
aaron.curtis@weil.com

*Counsel for Pandora Media, LLC*

# Proof of Delivery

I hereby certify that on Monday, January 24, 2022, I provided a true and correct copy of the Curtis Declaration Regarding Restricted Information in Katz WSRT to the following:

Amazon.com Services LLC, represented by Scott Angstreich, served via ESERVICE at sangstreich@kellogghansen.com

Spotify USA Inc., represented by Richard M Assmus, served via ESERVICE at rassmus@mayerbrown.com

Nashville Songwriters Association International, represented by Benjamin K Semel, served via ESERVICE at Bsemel@pryorcashman.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

Google LLC, represented by David P Mattern, served via ESERVICE at dmattern@kslaw.com

National Music Publishers' Association (NMPA) et al, represented by Benjamin Semel, served via ESERVICE at Bsemel@pryorcashman.com

Signed: /s/ Todd Larson